IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 518 of 2001
With
CRIMINAL REVISION APPLICATION No. 519 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HANSABEN LALITCHANDRA THAKKAR & 1 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR YOGESH S LAKHANI for Applicant(s) : 1 - 2.
MS HB PUNANI, ADDITIONAL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR SATYEN B RAWAL for Respondent(s) : 2,
MR KIRTIDEV R DAVE for Respondent(s) : 2,
MR RAHUL K DAVE for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 10/04/2006

ORAL JUDGMENT

1. These Revision Applications are filed against order

dated 18.09.2001 passed below Exhs.13 and 14 in Criminal Case Nos.347 of 2000 and 327 of 2000, respectively, pending in the Court of Additional Chief Judicial Magistrate, Dhangadhra.

2. A complaint was filed against the present applicants alleging offence under Sections 406, 420 and 114 of the Indian Penal Code which resulted in Criminal Case Nos.347 of 2000 and 327 of 2000, respectively. In the aforesaid cases, the applicants filed two applications dated 19.12.2000 for discharge. The learned Additional Chief Judicial Magistrate, Dhangadhra was pleased to dispose of the same by order passed on 18.09.2001.

3. Learned advocate for the applicants vehemently argued that the learned Judge has committed an error in not granting the prayer of discharge of the applicants. The main thrust of the argument is that Sections 406 and 420 of the Indian Penal Code will not go together and the applicants could have been charged with only one of the Sections. It was also contended with all vehemence at the command of the learned advocate that the fact that the dues of the Banks were mentioned in the sale deed, shows their bonafides and there was no intention on the part of the applicants to cause any damage to the person

to whom the property was sold or cheat him. That it is a case wherein the learned Judge ought to have granted the reliefs as prayed for and ought to have discharged the applicants of the charges levelled against them.

4. Having heard the learned advocate at length and having perused all the papers, the Court finds no reason to interfere with the order passed by the learned Additional Chief Judicial Magistrate, Dhangadhra below Exhs.13 and 14 dated 18.09.2001.

At the request of the learned advocate for the applicants, the Court restrains itself from observing anything further so as to see that no prejudice is caused to the applicants in the trial. Revision Applications are dismissed. Rule is discharged.

(RAVI R.TRIPATHI, J.)

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